

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Enrique SANCHEZ-Garcia,

Defendant

Magistrate Docket No.

08 MJ 2065

COMPLAINT FOR VIOLATION OF: *KMT*

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **July 6, 2008** within the Southern District of California, defendant, **Luis Enrique SANCHEZ-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Jacob D. Sanchez
Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF JULY, 2008

William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 06, 2008, Border Patrol Agent D. Barrozo was performing his assigned duties near Jacumba, California. Jacumba is located approximately 25 miles east of the Tecate, California Port of Entry. At approximately 5:45 a.m., Agent Barrozo responded to a radio call by San Diego Sector dispatch of a possible group of illegal aliens south of call box 702 on Interstate 8 in the eastbound lanes. Agent Barrozo responded to the 702 call box and noticed a group of six people walking eastbound towards him. Agent Barrozo approached the six subjects and identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and nationality. All six subjects including one later identified as, **Luis Enrique SANCHEZ-Garcia**, stated that they were citizens and nationals of Mexico. Agent Barrozo asked each subject if they possessed any immigration documents that would allow them to enter or remain in the United States legally. All six subjects admitted that they were not in possession of any immigration documents.

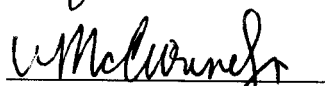
At approximately 6:00 a.m., on July 6, 2008 Agent Barrozo placed all six subjects under arrest and transported them to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on or about July 2, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to make a statement without an attorney present. The defendant stated the he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally. The defendant also stated his intended destination was the state of Washington.



Jacob D. Sanchez
Border Patrol Agent



William McCurine Jr.
U.S. Magistrate Judge

7/7/08

Date/Time